

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
RICHMOND DIVISION

In re:

THOMAS E BASS
TAMMY H BASS

Bankruptcy No:
11-37246-KRH

Debtor(s),

OCWEN LOAN SERVICING, LLC AS
SERVICING AGENT FOR DEUTSCHE BANK
NATIONAL TRUST COMPANY, AS
TRUSTEE FOR THE POOLING AND
SERVICING AGREEMENT DATED AS OF
MAY 1, 2006 MORGAN STANLEY HOME
EQUITY LOAN TRUST 2006-3 MORTGAGE
PASS THROUGH CERTIFICATES, SERIES
2006-3

Chapter 13

Movant,

v.

THOMAS E BASS
TAMMY H BASS

CARL M. BATES, TRUSTEE

Respondents.

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY COURT JUDGE:

The motion of Ocwen Loan Servicing, LLC as servicing agent for DEUTSCHE BANK
NATIONAL TRUST COMPANY, as Trustee for the POOLING AND SERVICING AGREEMENT

Kimberly E. Hartin, Esquire
State Bar Association No: 78476
Sykes, Bourdon, Ahern & Levy, P.C.
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971

Dated as of May 1, 2006 MORGAN STANLEY HOME EQUITY LOAN TRUST 2006-3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2006-3, by counsel, represents as follows:

1. On or about November 15, 2011, the debtor herein filed for relief under 11 U.S.C. 13 of the United States Bankruptcy Code.

2. Carl M. Bates has been appointed as Chapter 13 Trustee in this case.

3. This Court has jurisdiction pursuant to 28 U.S.C. Section 1334 and 11 U.S.C. Section 362. This is a core proceeding pursuant to 28 U.S.C. Section 157.

4. Movant has a perfected and valid lien security interest in the property known as 1410 Walton Bluff Terrace, Midlothian, VA 23114 and hereinafter described as follows:

All that certain lot, piece or parcel of land, lying and being in Chesterfield County, Virginia, and more particularly described as Lot 47, Block A, of Walton Bluff, as shown on plat of survey entitled "Walton Bluff", made by J.K. Timmons & Associates, P.C., dated August 5, 1986, recorded October 2, 1986, in the Clerk's Office, Circuit Court, Chesterfield County, Virginia, in Plat Book 54, page 85, to which plat reference is hereby made for a more particular description of said real estate.

5. Movant is the holder of a perfected security interest against the debtor in the principal sum as of July, 2012 of Two Hundred Seventy Thousand Seven Hundred Eighty-Eight and 51/100 Dollars (\$270,788.51), plus interest, late charges, advances, legal fees and costs.

6. The account is currently in arrears for 4 monthly mortgage installments, with the post-petition reinstatement through July, 2012 being \$4,092.57 calculated as follows:

(4) post-petition payments owed for 04/01/2012 - 07/01/2012 @ \$1,051.10	\$4,204.40
(4) late charges owed for 04/01/2012 - 07/01/2012 @ \$33.85	\$135.40
suspense balance	\$-1,047.23
BK Fees and Costs	\$800.00
Grand Total	\$4,092.57

7. Movant believes and avers that there is no equity in said property since the total liens against the property will effectively exceed the value of the property.

8. Movant does not have or has not been offered adequate protection for its security interest in the collateral described above.

9. If Movant is not permitted to foreclose upon its security interest in said property, it will suffer irreparable injury, loss and damage.

WHEREFORE, Ocwen Loan Servicing, LLC as servicing agent for DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of May 1, 2006 MORGAN STANLEY HOME EQUITY LOAN TRUST 2006-3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2006-3, prays that upon final hearing on this Motion, the stay of 11 U.S.C. Section 362 be terminated, that the stay of such grant of relief imposed pursuant to the provisions of Rule 4001(a)(3) of the Bankruptcy Rules be waived, and that it be allowed to foreclose on the subject property, and that it may have such further relief as the Court may deem proper.

OCWEN LOAN SERVICING, LLC AS SERVICING AGENT FOR
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS
TRUSTEE FOR THE POOLING AND SERVICING AGREEMENT
DATED AS OF MAY 1, 2006 MORGAN STANLEY HOME
EQUITY LOAN TRUST 2006-3 MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2006-3

/s/ Kimberly E. Hartin
Kimberly E. Hartin
Of Counsel

Certificate of Mailing

I hereby certify that the foregoing Motion for Relief from Stay was forwarded electronically and/or mailed via U.S. Mail on this 24th day of July, 2012, to:

/s/ Kimberly E. Hartin
Kimberly E. Hartin

Thomas E Bass
1410 Walton Bluff Terrace
Midlothian, VA 23114

Tammy H Bass
1410 Walton Bluff Terrace
Midlothian, VA 23114

Julia Bonham Adair
Boleman Law Firm, P.C.
P.O. Box 11588
Richmond, VA 23230-1588

Carl M. Bates, Trustee
P.O. Box 1819
Richmond, VA 23218

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
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TAMMY H BASS

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THOMAS E BASS
TAMMY H BASS

CARL M. BATES, TRUSTEE

Respondents.

**NOTICE OF MOTION FOR RELIEF FROM STAY
AND NOTICE OF HEARING**

Ocwen Loan Servicing, LLC as servicing agent for DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee for the POOLING AND SERVICING AGREEMENT Dated as of May 1, 2006 MORGAN STANLEY HOME EQUITY LOAN TRUST 2006-3 MORTGAGE PASS THROUGH CERTIFICATES, SERIES 2006-3, by and through its counsel, has filed papers with the court to grant relief from the automatic stay in the above captioned matter.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to grant the relief sought in this motion, or if you want the court to consider your views on the motion, you or your attorney must:

File with the court, at the address shown below, a written response explaining your position with the Court, and serve a copy on the movant's attorney at the address below. Unless a written response is filed and served within fourteen days period, the Court may deem opposition waived, treat the motion as conceded, and issue an order granting the requested relief.

If you mail your response to the Court for filing, you must mail it early enough so that the Court will receive it on or before the expiration of the fourteen day period.

Clerk of Court
United States Bankruptcy Court
US Courthouse
701 E. Broad Street
Richmond, VA 23219

You must also mail a copy to the following:

Kimberly E. Hartin, Esquire
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462

Carl M. Bates
P.O. Box 1819
Richmond, VA 23218

*** Attend the preliminary hearing scheduled to be held on: August 22, 2012 @ 9:30 a.m. in Courtroom 5000, US Courthouse, 701 E. Broad Street, Richmond, VA 23219**

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion for relief from stay and may enter an order granting that relief.

Date: July 24, 2012

SYKES, BOURDON, AHERN & LEVY, P.C.

/s/ Kimberly E. Hartin
Kimberly E. Hartin
State Bar Association No: 78476
281 Independence Boulevard
Pembroke 1 Building, Fifth Floor
Virginia Beach, VA 23462
757-499-8971

CERTIFICATE OF SERVICE

I hereby certify that I have this 24th day of July, 2012 either forwarded electronically and/or mailed a true copy of the foregoing Motion For Relief From Stay and Notice of Motion upon each party required to receive notice under Local Bankruptcy Rule 4001(1)-1(E)(1) as follows:

/s/ Kimberly E. Hartin
Kimberly E. Hartin

Thomas E Bass
1410 Walton Bluff Terrace
Midlothian, VA 23114

Tammy H Bass
1410 Walton Bluff Terrace
Midlothian, VA 23114

Julia Bonham Adair
Boleman Law Firm, P.C.
P.O. Box 11588
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P.O. Box 1819
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